

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 23-80101-CR-CANNON

UNITED STATES OF AMERICA,

Plaintiff,

v.

**DONALD J. TRUMP,
WALTINE NAUTA, and
CARLOS DE OLIVEIRA,**

Defendants.

SEALED ORDER

THIS CAUSE comes before the Court upon Defendant Waltine Nauta's Ex Parte Motion for Leave to Reference Discovery in a Sur-Reply in Response to the Special Counsel's Reply in Support of its Motion for a *Garcia* Hearing ("Motion") [ECF No. 138; *see* ECF No. 97], filed on August 31, 2023. The Court held an ex parte telephonic hearing on the Motion on September 1, 2023. Following the hearing, it is hereby **ORDERED AND ADJUDGED** as follows:

1. Defendant Waltine Nauta's Ex Parte Motion is **GRANTED** as to the limited portions of Witness 4's subsequent grand jury testimony in which Witness 4 denies being coached during his previous grand jury testimony and indicates that he was seeking to protect himself only [ECF No. 138 p. 3 (quoting eight lines)], as well as the existence of Witness 4's non-prosecution agreement with the Special Counsel's Office.¹

¹ The fact that Witness 4 entered into a cooperation agreement with the Special Counsel's Office was referenced by the Special Counsel in its Notice of Filing dated August 25, 2023 [ECF No. 136-1 p. 5]. Further, as the Special Counsel's Office has indicated, U.S. District Judge Boasberg

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2. Defense counsel shall not make any reference to Witness 4's identity and shall stay strictly within the bounds of the request in the ex parte motion and as discussed during the hearing.
3. The Court also directs counsel for Defendant Waltine Nauta, no later than September 1, 2023, to share the Ex Parte Motion with counsel for all parties in this action.
4. Defendant Waltine Nauta's deadline to file the Sur-Reply remains September 5, 2023.
5. The parties are reminded of the presumption against ex parte submissions. *See generally Ayestas v. Davis*, 138 S. Ct. 1080, 1091 (2018); *In re Paradyne Corp.*, 803 F.2d 604, 612 (11th Cir. 1986).
6. **The Ex Parte Motion [ECF No. 138] shall remain under seal until further order of the Court.**
7. **This Order shall be filed under seal.**

DONE AND ORDERED in Chambers in Fort Pierce, Florida, this 1st day of September 2023.

A handwritten signature in black ink, appearing to read 'Aileen M. Cannon', written over a horizontal line.

AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record

previously granted permission for public disclosure of information related to the conflicts hearing [ECF No. 136-1 pp. 2–3]. The Court sees no basis to deviate or revisit that ruling.